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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,863	03/16/2004	Haruo Akiba	250373US3	1570

22850 7590 04/06/2007  
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER
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KASZTEJNA, MATTHEW JOHN

ART UNIT	PAPER NUMBER
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3739

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	04/06/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 04/06/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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ED

<b>Office Action Summary</b>	<b>Application No.</b> 10/800,863	<b>Applicant(s)</b> AKIBA, HARUO	
	<b>Examiner</b> Matthew J. Kasztejna	<b>Art Unit</b> 3739	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2004.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S.

Patent No. 5,735,793 to Takahashi et al.

**In regard to claim 1**, Takahashi et al. disclose a branching passage assembly for an endoscope 2 incorporating a forked branching member 67 internally of a casing of a manipulating head assembly 3 to connect a base end of a biopsy channel 66 running through an insertion tube 6 of said endoscope with a biopsy channel entrance way 69 and a suction passage 71, characterized in that: said forked branching member is retained in position by threaded engagement 76 with an inner end of a biopsy channel entrance pipe fitted in said biopsy channel entrance way; and said forked branching member is associated with restrictive members arranged to restrict movements of said branching member in all directions except a movement in a direction toward said biopsy channel entrance pipe when said branching member is pulled toward the latter for threaded engagement therewith (see Fig. 1 and Col. 5, Lines 18-67).

**In regard to claim 2**, Takahashi et al. disclose a branching passage assembly, wherein said casing of said manipulating head assembly 3 is formed by joining a main cover section and a grip cover section 30, and arranged to support a manipulating

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member of an angulation control mechanism 9 on said main cover section and to accommodate said branching member internally of said grip cover section (see Figs. 1-2).

**In regard to claim 3**, Takahashi et al. disclose a branching passage assembly, wherein said branching member is located internally of passage-forming structural members including first and second tubular members provided internally of said casing of said manipulating head assembly to extend from said main cover section to said grip cover section and connected with each other through a reinforcing ring (see Figs. 1 and 5a).

**In regard to claim 4**, Takahashi et al. disclose a branching passage assembly, further comprising a notched void portion provided in part of said first tubular member and said reinforcing ring, said second tubular member being fitted on said reinforcing ring, said forked branching member having a threaded connecting portion projected toward said biopsy channel entrance pipe through said notched void portion, said restrictive members being constituted by a pair of laterally projecting stopper blades provided on said branching member, said stopper blades being placed in said notched void portion and held in abutting engagement with vertical and horizontal surfaces at notched portions of said reinforcing ring within said second tubular member (see Figs. 1 and 5a)

**In regard to claim 5**, Takahashi et al. disclose a branching passage assembly, wherein said first and second tubular members are formed of a lightweight metal, and said reinforcing ring is a high strength metal ring (See Col. 4, Lines 55-60).

**In regard to claim 6**, Takahashi et al. disclose a branching passage assembly, wherein said forked branching member is provided with a plural number of connection points including a first connecting portion for connection of a biopsy channel tube (see Fig. 3), a second connecting portion for connection of a suction tube, and a third connecting portion 73 for connection of a biopsy channel entrance pipe (see Fig. 1).

**In regard to claim 7**, Takahashi et al. disclose a branching passage assembly, wherein said third connecting portion 73 is provided with an external screw 76 on an outer peripheral surface while said biopsy channel entrance pipe is provided with an internal screw 79 to be brought into threaded engagement with said external screw of said third connecting portion (see Fig. 1 and Col.5, Lines 30-60).

**In regard to claim 8**, Takahashi et al. disclose a branching passage assembly, wherein said biopsy channel entrance pipe is placed in said biopsy channel entrance way on said manipulating head assembly and threaded onto said third connecting portion, and a mouth piece with a plug member 27 is threaded into said biopsy channel entrance way with a fore end portion thereof in fitting engagement with a rear or outer end portion of said biopsy channel entrance pipe (see Fig. 2a and Col. 4, Lines 40-50).

**In regard to claim 9**, Takahashi et al. disclose a branching passage assembly, wherein passage-forming structural members are fitted in said casing of said manipulating head assembly, and said restrictive members are constituted by stopper portions formed integrally with said branching member and adapted to restrict movements of said branching member in upward, downward and forward directions, and said mouth piece is fitted on said biopsy channel entrance pipe in such a way as to

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press said restrictive members against a passage-forming structural member (see Figs. 1-2a, 5a).

**In regard to claim 10**, Takahashi et al. disclose a branching passage assembly 9, wherein said first connecting portion is formed with an external screw portion on outer periphery thereof on the rear side of a tapered fore end portion, said biopsy channel tube being fitted on said tapered fore end portion of said first connecting portion and anchored in position by a retaining nut threaded onto said external screw portion, and said passage-forming structural member being provided with holes at positions around said retaining nut thereby permitting to separate said retaining nut from said external screw portion from outside of said passage-forming structural member (see Figs. 1, 3 and 5a).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Kasztejna whose telephone number is (571) 272-6086. The examiner can normally be reached on Mon-Fri, 8:30-6:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda C.M. Dvorak can be reached on (571) 272-4764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MJK *ml*

3/30/7



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